

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X

MACK BUTLER

2:11-CV-03470 (LGD)

Plaintiff,

-against-

ROGER KLEBER and PATRICK RYAN,  
in their individual capacities,

Defendants

-----X

**SPECIAL JURY QUESTIONS**

***PART I***

***PLAINTIFF'S CLAIM OF EXCESSIVE FORCE***

1) Has plaintiff Mack Butler established by a preponderance of the evidence that he sustained physical injury through a use of force by **defendant Police Officer Roger Kleber**?

\_\_\_\_\_ Yes

\_\_\_\_\_☒ No

2) Has plaintiff Mack Butler established by a preponderance of the evidence that he sustained physical injury through a use of force by **defendant Police Officer Patrick Ryan**?

\_\_\_\_\_ Yes

\_\_\_\_\_☒ No

**YOU SHOULD ONLY ANSWER QUESTION 3 IF YOU ANSWERED "YES" TO QUESTION 1.**

3) Has the plaintiff Mack Butler established by a preponderance of the evidence that **defendant Police Officer Roger Kleber** used excessive force against him?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**YOU SHOULD ONLY ANSWER QUESTION 4 IF YOU ANSWERED "YES" TO QUESTION 2.**

4) Has the plaintiff Mack Butler established by a preponderance of the evidence that defendant **Police Officer Patrick Ryan** used excessive force against him?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

***PART II  
DAMAGES***

**YOU SHOULD ONLY ANSWER THE QUESTIONS BELOW IF YOU ANSWERED YES TO QUESTIONS 3 AND/OR 4.**

***A. Compensatory Damages***

5) If you answered "yes" to question 3, state in dollars the amount of compensatory damages, if any, you wish to award plaintiff Mack Butler against defendant **Police Officer Roger Kleber**.

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6) If you answered "yes" to question 4, state in dollars the amount of compensatory damages, if any, you wish to award plaintiff Mack Butler against defendant **Police Officer Patrick Ryan**.

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***B. Nominal Damages***

**YOU SHOULD ONLY ANSWER THE QUESTIONS BELOW IF (1) YOU ANSWERED YES TO QUESTIONS 3 AND/OR 4, AND (2) YOU DID NOT AWARD PLAINTIFF ANY COMPENSATORY DAMAGES IN RESPONSE TO QUESTIONS 5 AND/OR 6.**

7) Should the plaintiff Mack Butler be awarded nominal damages in the sum of \$1.00 on his federal civil rights claims against defendant **Police Officer Roger Kleber**?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

8) Should the plaintiff Mack Butler be awarded nominal damages in the sum of \$1.00 on his federal civil rights claims against **defendant Police Officer Patrick Ryan**?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**C. Punitive Damages**

**YOU SHOULD ONLY ANSWER THE QUESTIONS BELOW IF YOU ANSWERED YES TO QUESTIONS 3 AND/OR 4.**

9) If you answered "yes" to question 3, state in dollars the amount of punitive damages, if any, you wish to award plaintiff Mack Butler against **defendant Police Officer Roger Kleber**.

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10) If you answered "yes" to question 4, state in dollars the amount of punitive damages, if any, you wish to award plaintiff Mack Butler against **defendant Police Officer Patrick Ryan**.

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**YOUR FOREPERSON IS TO SIGN AND DATE THIS VERDICT FORM AND ADVISE THE COURTROOM DEPUTY THAT A VERDICT HAS BEEN REACHED.**

SIGNED: \_\_\_\_\_



DATE: \_\_\_\_\_

8/9/2023